

Chapter 12:

Hazardous Waste



2002 Edition

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Introduction

In 1976, the United States Congress amended the federal Solid Waste Disposal Act by enacting the Resource Conservation and Recovery Act ("RCRA", see 42 U.S.C. § 321 *et seq.* at <http://www4.law.cornell.edu/uscode/42/ch82.html> and <http://www.des.state.nh.us/factsheets/hw/hw-5.htm>; see also <http://www.epa.gov/region5/defs/html/rcra.htm>). This law was designed to protect human health and the environment from the potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner. Subtitle C of RCRA (see <http://www4.law.cornell.edu/uscode/42/ch82schIII.html>) established standards for hazardous waste generators (any person or business that produces hazardous waste), transporters, and treatment/storage/disposal facilities. In 1980, Congress enacted the federal Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund", 42 U.S.C. § 9601 *et seq.*) to direct federal resources to the discovery, characterization, and remediation of complex contamination sites across the United States (see <http://www.epa.gov/superfund/action/law/cercla.htm> and <http://www4.law.cornell.edu/uscode/42/ch103.html>). This law established prohibitions and requirements concerning closed and abandoned hazardous waste sites, assigned liability to persons responsible for releases of hazardous wastes at these sites, and established a trust fund to provide for cleanup of sites for which no responsible party could be identified. This law also authorized two kinds of response actions: short-term removals designed to address releases or threatened releases requiring prompt response, and long-term remedial response actions designed to permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not life-threatening. Together, these laws create two distinct, but related, groups of programs which work together to protect human health and the environment.

Remediation of Contaminated Sites

The group of programs arising from CERCLA focuses on the discovery and remediation of drum burial sites, orphaned chemical discharge areas, illegal dumping of toxic materials, and uncontrolled release sites where hazardous material inventory losses have occurred due to leaking tanks, trucks, and pipelines. DES programs to oversee cleanup of sites where contamination has occurred are implemented through the Hazardous Waste Remediation Bureau of the Waste Management Division, and include the "Brownfields", Pre-Remedial ("CERCLIS"), RCRA Corrective Action ("RCRIS"), and Time-Critical Removals Programs (see <http://www.des.state.nh.us/hwr/hwrbsite.htm>). Removal actions under CERCLA can be conducted only at sites listed on the EPA's National Priority List (see <http://www.epa.gov/superfund/sites/npl/npl.htm>). There currently are 18 federal "Superfund" sites in various stages of cleanup in New Hampshire (see <http://www.des.state.nh.us/hwr/supfun2k.htm>). In 1986, CERCLA was amended by The Superfund Amendments and Reauthorization Act ("SARA") (see <http://www.epa.gov/superfund/action/law/sara.htm> and <http://www4.law.cornell.edu/uscode/42/ch103.html>). The amendments stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites, required Superfund actions to consider the standards and requirements found in other state and federal laws and regulations, provided new enforcement authorities and settlement tools, increased state involvement in every phase of the Superfund program, increased the focus on human health problems posed by hazardous waste sites, encouraged greater citizen participation in making decisions on how sites should be cleaned up, and increased the size of the trust fund to \$8.5 billion. Sites contaminated with hazardous wastes that are not subject to federal programs are governed by RSA 147-B ("Hazardous Waste Cleanup Fund", <http://gencourt.state.nh.us/rsa/html/indexes/147-B.html>). There are hundreds of sites across the state that have been addressed under this program, ranging in complexity from the cleanup of one-time spills to long-term remediation at historic dumping sites. Redevelopment and reuse of some of these sites have been facilitated by RSA 147-F ("Brownfields Program", <http://gencourt.state.nh.us/rsa/html/indexes/147-F.html>),

which authorizes the “Brownfields” Redevelopment Program (see <http://www.des.state.nh.us/hwrb/hwrbbfld.htm>). This initiative represents a voluntary cleanup and redevelopment of contaminated properties which have been underutilized or abandoned due to contamination. DES’s Brownfields Program is designed to provide incentives for both site cleanup and redevelopment by those who did not cause the contamination. For eligible sites, a *Covenant Not to Sue* is issued by the New Hampshire Department of Justice and a *Certificate of Completion* is issued by DES (see <http://www.des.state.nh.us/factsheets/hw/hw-1.htm>).

Regulation of Hazardous Waste Management Activities

The group of programs arising from RCRA Subtitle C focuses on the proper management of hazardous waste from the point when and where it was first generated to its ultimate disposal (*i.e.*, “cradle-to-grave” management). DES regulates hazardous waste generators and fixed facilities primarily through the DES Hazardous Waste Compliance Section of the Waste Management Division (see <http://www.des.state.nh.us/hwcs>), and regulates hazardous waste transporters primarily through the Special Investigations Section of the Waste Management Division (see <http://www.des.state.nh.us/sis/>). The remainder of this chapter focuses on this group of programs.

Legal Authority

Because it is a federal law, RCRA can be directly implemented only by the U.S. Environmental Protection Agency (“EPA”). However, by adopting state statutes and rules that meet the federal standards for state program adequacy (see http://www.access.gpo.gov/nara/cfr/cfrhtml/00/Title_40/40cfr239_00.html), in 1981 the State of New Hampshire was approved to administer the statewide hazardous waste management program in lieu of EPA. State statutes include RSA 147-A (“Hazardous Waste Management”, <http://gencourt.state.nh.us/rsa/html/indexes/147-A.html>), RSA 147-C (“Hazardous Waste Facility Review”, <http://gencourt.state.nh.us/rsa/html/indexes/147-C.html>), and RSA 147-D (“Hazardous Waste Fee”, <http://gencourt.state.nh.us/rsa/html/indexes/147-D.html>), with RSA 147-A being the state equivalent of RCRA. To further implement the statutory provisions, DES has adopted the **New Hampshire Hazardous Waste Rules**, currently designated as Env-Wm 100-1100 (see <http://www.des.state.nh.us/hwrb/hwrules.pdf>). The regulatory program includes provisions governing hazardous waste identification (see <http://www.des.state.nh.us/factsheets/hw/hw-11.htm>), generation, transportation, storage, treatment and disposal (see <http://www.epa.gov/epacfr40/chapt-I.info/subch-I.htm>). Note that while DES has adopted many federal regulations by reference, some requirements have been modified (including being made more stringent) to address the specific needs of New Hampshire’s hazardous waste management program.

Hazardous Waste Defined

RSA 147-A:2, VII defines “hazardous waste” as *a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:*

- A. *Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:*
 - a. *Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or*
 - b. *Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.*
- B. *Or which has been identified as a hazardous waste by DES using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are*

regulated by the Atomic Energy Act of 1954, as amended (see “Hazardous Waste Management/Definitions”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-2.htm>)

The definition thus establishes two primary categories of hazardous wastes: “listed” or “characteristic”. Listed wastes are harmful enough to warrant full hazardous waste regulation because of their origin. Such wastes fall into one of three categories: source-specific wastes from specific industries, such as petroleum refining or pesticide manufacturing; non-specific source wastes from common manufacturing and industrial processes, such as solvents that have been used in cleaning or degreasing operations; and commercial chemical products including specific discarded, unused chemical products and formulations (such as some pesticides and pharmaceutical products). Characteristic wastes are so called because they exhibit one (or more) of four hazardous characteristics: *ignitable*, which means the waste catches fire under certain commonly-encountered conditions (e.g., paint thinners and solvent-based cleaners); *corrosive*, which means the waste corrodes metals or has a very high or very low pH (e.g., rust removers and battery acid); *reactive*, which means the waste is unstable and even under “normal” conditions may explode or produce toxic fumes, gases, or vapors (e.g., certain cyanides or sulfide-bearing wastes, lithium-sulfur batteries, and explosives); and *toxic*, which means the waste is harmful or lethal when ingested or absorbed or leaches into the soil or groundwater when disposed on land (e.g., wastes containing high concentrations of heavy metals such as cadmium, lead, or mercury).

Hazardous Waste Notifications, Registrations, and Permits

Under NH CODE ADMIN. RULE Env-Wm 504 (“Hazardous Waste Rules/Notification”, <http://www.des.state.nh.us/hwr/hwrules.pdf>) each hazardous waste generator must obtain an EPA identification number from the DES Reporting and Information Management Section (“RIMS”) prior to engaging in any hazardous waste management activities that are subject to the **New Hampshire Hazardous Waste Rules**. RIMS can be reached at (603) 271-2901 (or see <http://www.des.state.nh.us/rims>).

All operators of commercial vehicles transporting hazardous wastes on public roads within or through New Hampshire must notify RIMS to obtain an EPA identification number (see <http://www.des.state.nh.us/rims>) and must obtain a hazardous waste *Registration Confirmation Letter* from the DES Special Investigations Section (see <http://www.des.state.nh.us/sis/>). All transportation of hazardous wastes must be accomplished by using the *Uniform Hazardous Waste Manifest* (see <http://www.des.state.nh.us/rims/manifest.htm> and <http://www.des.state.nh.us/rims/manifest.pdf>).

Owners and/or operators of hazardous waste treatment, storage, transfer, or disposal (“TSD”) facilities must notify RIMS to obtain an EPA identification number and must also obtain a hazardous waste permit before initiating any hazardous waste activities. A hazardous waste permit is required before a full quantity generator can treat self-generated hazardous waste (including for elementary neutralization, wastewater treatment units, and universal waste lamp crushers) or store hazardous waste on-site for more than 90 days. A hazardous waste permit also is required for transporters who transfer waste from vehicle-to-vehicle or remove waste from the transport vehicle for temporary storage, and is required before receiving hazardous waste from off-site and treating, storing, or disposing of it. Recycling self-generated hazardous waste on-site (e.g., burning used oil for energy recovery or recycling antifreeze) does not require a permit if the process meets certain conditions.

Hazardous Waste Generators

Each New Hampshire hazardous waste generator is classified as either a “small quantity generator” or a “full quantity generator”. A small quantity generator is one that generates less than 100 kilograms (220 pounds) of total hazardous wastes or one kilogram (2.2 pounds) of acutely toxic hazardous waste in each month of the year. A full quantity generator is one that generates more than 100 kilograms of total hazardous wastes or one kilogram of acutely toxic hazardous waste in any single month of the year (see Env-Wm 503,

“Hazardous Waste Rules/Generator Classifications”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>). Under Env-Wm 500 (“Hazardous Waste Rules/Requirements for Hazardous Waste Generators”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>), each hazardous waste generator must conduct hazardous waste determinations, obtain an identification number from the DES Reporting and Information Management Section (“RIMS”) (which can be reached at (603) 271-2901 or see <http://www.des.state.nh.us/rims>), comply with storage standards and accumulation time limits such as labeling, packaging, placarding, and removal (usually within 90 days from the initial date of accumulation), prepare and submit a personnel training plan (both small and full quantity generators) and a contingency plan (full quantity generators, only), use the *Uniform Hazardous Waste Manifest* (see <http://www.des.state.nh.us/rims/manifest.htm> and <http://www.des.state.nh.us/rims/manifest.pdf>) when shipping hazardous wastes off-site, and complete all record keeping and reporting requirements (such as quarterly reports and exception reports).

Used Oil

Under Env-Wm 800 (“Hazardous Waste Rules/Requirements for Recycling of Hazardous Wastes”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>), used oil is regulated as a hazardous waste in New Hampshire unless it is recycled. DES established the Used Oil Subsection in the Hazardous Waste Compliance Section (see http://www.des.state.nh.us/hwcs/used_oil.htm) to encourage the recycling and safe management of used oil. The two primary functions of this subsection are to award grants to cities and towns to establish or improve used oil collection centers for the “Do-It-Yourselfer” and to ensure compliance with the rules governing the generation, transportation, collection, and recycling of used oil. If used oil is collected and is intended for recycling, it must be labeled as “Used Oil for Recycle” and be kept in sound, well-protected containers that are closed at all times, except during filling or emptying periods. Used oil may be burned for on-site heating purposes under specific conditions or may be offered for off-site transport in bulk to a used oil marketer by using a bill of lading (rather than a hazardous waste manifest). Care must be taken to prevent spills. If one should occur, the release must be reported to DES and the responsible party must initiate the proper cleanup (see <http://www.des.state.nh.us/factsheets/oil/oil-5.htm>). DES provides emergency services in the event of such an occurrence (see http://www.des.state.nh.us/emergency_response.htm).

Hazardous Waste Compliance Section

The DES Hazardous Waste Compliance Section has four subsections. The RCRA Compliance Subsection conducts inspection of hazardous waste generators and provides a limited amount of on-site technical assistance to the regulated community. The Authorization Subsection coordinates all hazardous waste rulemaking activities in response to changes in federal and state laws and standards, to render the rules more understandable and to encourage better waste management practices. The Permitting Subsection provides engineering support and reviews and processes applications for all hazardous waste (RCRA) permits including the Hazardous Waste Standard Permit, Hazardous Waste Transfer Facility Permit, Hazardous Waste Limited Permit, and Hazardous Waste Emergency Permit. Finally, the Used Oil Subsection (see http://www.des.state.nh.us/hwcs/used_oil.htm) was established to encourage the recycling and safe management of used oil in New Hampshire.

Outreach and Technical Assistance

The DES Hazardous Waste Compliance Section provides a significant amount of education/outreach and technical assistance. As new legislative changes and administrative rules are considered, DES involves those who would be subject to regulation in the rulemaking process, along with various advisory groups and other interested parties. DES recently sponsored a series of discussions on new hazardous waste rules held at each New Hampshire Technical College campus to introduce the changes and provide an opportunity for members of the regulated community to ask questions. DES also posts helpful information, including written regulatory interpretations, on its Web site (<http://www.des.state.nh.us/hwcs>), and operates a “Hazardous Waste Assistance Telephone Hotline” (603-271-2942) to provide specific answers to specific questions faced

by the regulated community. EPA likewise operates a RCRA Hotline (800-424-9346) and provides information via the Web (<http://www.epa.gov/rcraonline/>). EPA also provides extensive search capability for waste-related topics at <http://www.epa.gov/osw/index.htm>. Finally, the New Hampshire Pollution Prevention Program (“NHPPP”) (housed at DES, see <http://www.des.state.nh.us/nhPPP/>) offers non-regulatory, free, confidential pollution prevention and compliance assistance. The NHPPP assists businesses through a wide variety of activities including educational outreach, site assistance, and technical information research. These activities are designed to encourage better waste management practices and reduce the amount of hazardous wastes generated through source reduction, reuse, recycling, and raw material substitution and/or replacement (see <http://www.des.state.nh.us/factsheets/hw/hw-8.htm>).

Compliance Inspections

Compliance inspections are conducted to investigate any threat of potential harm to the environment or public health posed by improper management of hazardous wastes at regulated facilities and to determine compliance with the **New Hampshire Hazardous Waste Rules**. Pursuant to EPA policy, full quantity generators are inspected more often, but increasing emphasis is being placed by DES on the larger numbers of small quantity generators currently operating in New Hampshire. Facilities in environmentally-sensitive settings such as wellhead protection areas and areas of high population density are more likely to be inspected than facilities in other areas due to the risk of damage to natural resources and the population at large. DES also conducts multi-media inspections at selected facilities to concurrently assess compliance with water, air, and waste standards and practices. A typical inspection consists of a file review while still at DES offices, a pre-inspection meeting at the facility, a facility tour, document review at the facility, and a post-inspection meeting to discuss the findings and suggest possible corrective actions (see <http://www.des.state.nh.us/hwcs/Lists.htm>).

Reporting and Information Management Section

The DES Waste Management Division’s Reporting and Information Management Section (“RIMS”, see <http://www.des.state.nh.us/rims/>) issues EPA identification numbers to those who will be involved with hazardous waste activities. There is no *de minimis* level of hazardous waste generation in New Hampshire. All generators and facility owner/operators must notify the RIMS section and obtain an EPA identification number before initiating any hazardous waste management activities. This can be conveniently accomplished by telephone by dialing (603) 271-2901, during which a determination will be made by DES as to applicability.

Special Investigations Section

The Special Investigations Section (see <http://www.des.state.nh.us/sis/>) of the DES Waste Management Division issues Hazardous Waste Transporter Registrations and performs periodic compliance inspections of commercial vehicles in the process of transporting hazardous wastes over public roads and highways in New Hampshire. Please note that the transport of hazardous materials (e.g., virgin manufacturing chemicals like ammonia and solvents, fuels such as gasoline and kerosene, etc.) through the state is regulated by the New Hampshire Department of Safety (see <http://www.state.nh.us/safety/index.html>). For more information, contact its Motor Vehicle Inspection Program at (603) 271-3349.

Summary

Hazardous waste management activities are heavily regulated under both federal and state law to protect human health and the environment. Through the combined efforts of the DES Hazardous Waste Remediation Bureau and the Hazardous Waste Compliance Section, both the cleanup of contaminated sites and the regulation of current hazardous waste management activities are addressed to protect the natural environment, as well as residents, workers, and visitors, from undue exposure to toxic wastes. An EPA identification number must be obtained from DES prior to engaging in most hazardous waste activities; some activities also require a permit. This chapter contains further descriptions of specific permits and worksheets

designed to assist a potential permit applicant in determining whether a permit is needed for a particular activity, and what steps must be taken to obtain that permit. Questions and requests for assistance may be directed to the Hazardous Waste Assistance Hotline at (603) 271-2942. Appeals of DES hazardous waste management permit decisions and orders issued for violations of program requirements should be directed to the Waste Management Council (see <http://www.des.state.nh.us/councils/#waste>).

Chapter Contents

- ✓ **Hazardous Waste Standard Permit**
- ✓ **Hazardous Waste Transfer Facility Permit**
- ✓ **Hazardous Waste Limited Permit**
- ✓ **Hazardous Waste Emergency Permit**
- ✓ **Hazardous Waste Activity Notification**
- ✓ **Hazardous Waste Transporter Registration/Certification Letter**

New Hampshire Department of Environmental Services



Hazardous Waste Activity Notification

Introduction: Every company or person that intends to generate, treat, store, dispose, transport, or offer hazardous waste for transport in New Hampshire in any quantity (i.e., there is no *de minimis* level for hazardous waste generation) must notify DES of that activity to obtain an EPA identification number, an emergency or temporary identification number, or a New Hampshire identification number. Identification numbers also are required for facilities that manage used oil (see http://www.des.state.nh.us/hwcs/used_oil.htm) and those that manage 5,000 kilograms (11,000 pounds) or more of combined “universal wastes” on-site at any one time, such as certain types of batteries, certain pesticides, automotive antifreeze, cathode ray tubes, lamps and other devices that contain mercury (see <http://www.des.state.nh.us/factsheets/hw/hw-21.htm>). Generators of used oil destined for recycling do not need to notify DES provided that all applicable requirements are met (see NH CODE ADMIN. RULES Env-Wm 800, “Hazardous Waste Rules/Requirements for Recycling of Hazardous Wastes”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>). After filing a Hazardous Waste Activity Notification with DES, a unique identification number will be assigned to the site (not the facility) at which the activity occurs and will remain valid as long as the site is active. It will expire upon notification to DES that site operations have ceased and hazardous wastes are no longer being generated there. This site identification number must be affixed to all hazardous waste manifests and reports. The DES Waste Management Division’s Reporting and Information Management Section (“RIMS”) issues identification numbers (see <http://www.des.state.nh.us/rims/>). The New Hampshire *Uniform Hazardous Waste Manifest* form can be found at <http://www.des.state.nh.us/rims/manifest.pdf>, and the instructions for completing it can be found at <http://www.des.state.nh.us/rims/manifest.htm>.

Average number of notifications/identification numbers issued annually: 700

Fees: There is no fee to obtain an identification number; however a fee is charged based on the amount of hazardous waste shipped in each quarter. Thirty days after the conclusion of each quarter, DES will mail to each generator a report that summarizes the hazardous waste shipments and quarterly fee payment due (if applicable) (see http://www.des.state.nh.us/rims/quarterly_report.pdf). Those who manifested less than 660 pounds of waste are not assessed a fee. A minimum fee of \$50 is applied to all generators who manifested between 660 - 1,666 pounds, and those that manifested greater than 1,666 pounds are assessed a fee at the rate of \$0.03 per pound (see <http://www.des.state.nh.us/rims/hwcf.htm> and <http://www.des.state.nh.us/rims/calculator.htm>). Quarterly fees are not assessed for those wastes destined for recycling, the sludges generated at publicly-owned wastewater treatment works within New Hampshire, the bottom and fly ash from municipal waste incinerators, lead-contaminated soil from shooting ranges (see <http://www.des.state.nh.us/factsheets/hw/hw-19.htm>), or household hazardous wastes collected at household hazardous waste collection events (see <http://www.des.state.nh.us/hhw/>).

Estimated processing time after the application is deemed “complete”: Immediate

Notification duration: The duration of EPA Identification Numbers vary by type of number issued: “Temporary EPA Identification Numbers” are valid for 30 days unless renewed, “Preliminary EPA Identification Numbers” are valid for 30 days and, “Permanent EPA Identification Numbers” and New Hampshire Identification Numbers are permanent until a declassification request has been submitted (see <http://www.des.state.nh.us/rims/request.pdf>), at which time the identification number will be deactivated.

Notification transferability: Identification numbers are site-specific and so are not transferable. A new identification number must be obtained when a company moves to a new location. If a company moves to a site to which an identification number previously was assigned, the company will be issued the existing number assigned to that site.

Notification modification: If any reported information has changed, the generator must re-notify DES within 30 days concerning those changes, with the new information submitted on the *Hazardous Waste Activity Notification Form* (see <http://www.des.state.nh.us/rims/notification.pdf>).

Notification renewal: Temporary EPA Identification Numbers can only be renewed due to unforeseen and uncontrollable circumstances. Preliminary EPA Identification Numbers cannot be renewed, but must be converted to a permanent number by filing a *Hazardous Waste Activity Notification Form* (see <http://www.des.state.nh.us/rims/notification.pdf>). Permanent EPA Identification Numbers and New Hampshire Identification Numbers need not be renewed.

State statutes: RSA 147-A:3, V (“Hazardous Waste Management/Rulemaking”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-3.htm>) and RSA 147-B (“Hazardous Waste Cleanup Fund”, <http://gencourt.state.nh.us/rsa/html/indexes/147-B.html>)

N. H. Code of Administrative Rules: Env-Wm 500 (“Hazardous Waste Rules/Requirements for Hazardous Waste Generators”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 (“Department of Environmental Services/Waste Management Council”, <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information: N. H. DES, RIMS, (603) 271-2901 or (603) 271-2921
N. H. DES, Hazardous Waste Compliance Hotline, (603) 271-2942
N. H. DES, Used Oil Program 1-880-TAKE OIL, (603) 825-3645

Hazardous Waste Activity Notification – Work Sheet

Key Qualifier Question: Will you generate, treat, store, dispose, or transport hazardous waste? If so, you must notify DES of that activity and obtain a hazardous waste identification number.

(Note: Many hazardous waste activities also may require a permit, certification, or registration. Please see other chapters of this *Guidebook* for descriptions of those application processes.)

What must you do to apply?

- Call the DES Reporting and Information Management (“RIMS”) office at **(603) 271- 2921** or **(603) 271- 2901**. A number will be assigned to you over the telephone.
- Provide the following information at the time of the telephone call:
 - Your name, affiliation, and telephone number
 - The name and mailing address of the organization for which the hazardous waste identification number is being obtained
 - The address (by street number/name and municipality) of the site where the activity will occur
 - The name, title, and telephone number of the contact person at the organization
 - The types of wastes to be generated at the site
 - The type of number you are requesting (*i.e.*, EPA Identification Number, emergency or temporary identification number, or New Hampshire Identification Number)
- Following receipt of this information, DES will determine if you must also submit a hazardous waste notification form (see <http://www.des.state.nh.us/rims/notification.pdf>).
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What are typical examples of operations that require hazardous waste notification and an identification number?

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| ❖ Electroplating | ❖ Wood finishing/treating/stripping |
| ❖ Circuit board manufacturing | ❖ Pesticide applicators |
| ❖ Dry cleaning | ❖ Explosive/munitions manufactures |
| ❖ Printing | ❖ Oil change facilities (used oil generators) |
| ❖ Parts cleaning | ❖ Laboratories (hospitals, universities, <i>etc.</i>) |
| ❖ Use of solvent degreasers | ❖ Military bases |
| ❖ Painting (houses, cars, buildings, <i>etc.</i>) | ❖ Fleet maintenance |
| ❖ Fiberglass manufacturing | ❖ Paper manufacturing (liquors) |
| ❖ Automotive repair | ❖ Chlor-alkali manufacturers |
| ❖ Photo-finishing | ❖ Chemical manufactures |
| ❖ X-ray development | ❖ Used oil burners |
| ❖ Leather tanning | ❖ Used oil marketers |
| ❖ Acid baths | ❖ Waste water treatment (some sludge) |
| ❖ Caustic baths | ❖ Off-specification hazardous materials |
| ❖ Cyanide baths (plating solutions) | ❖ Treatment, storage, incineration or disposal of hazardous wastes |
| ❖ Pharmaceutical (dispensing, preparation) | ❖ Accidental spills of hazardous materials |
| ❖ Repair of automotive refrigeration systems | |

If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at tdrew@des.state.nh.us or at (603) 271-3306.

Hazardous Waste Standard Permit

Introduction: The DES Hazardous Waste Standard Permit (“Standard Permit”) is issued to those facilities in New Hampshire that treat, store, or dispose of hazardous wastes (known as “TSD facilities”). This permit is required for certain types of facilities that store their own hazardous waste for more than 90 days, that receive hazardous wastes from other sites and store them for more than ten days, or that treat (using a method other than an Elementary Neutralization Unit, Wastewater Treatment Unit, or Evaporator which would require a Hazardous Waste Limited Permit, discussed elsewhere in this chapter) or dispose of hazardous wastes generated from any location, whether from in-house or off-site sources. The purpose of the Standard Permit is to establish conditions under which hazardous wastes can be safely treated, stored, or disposed. This permit typically applies to the commercial management of hazardous wastes, but may also apply to certain types of hazardous waste generator facilities where a facility’s wastes are stored for more than 90 days. As applications are submitted to DES for evaluation, they are also subjected to concurrent evaluations by two other entities: the Hazardous Waste Facility Siting Board established pursuant to RSA 147-A:4-a (“Hazardous Waste Management/Hazardous Waste Facility Siting Board”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4-a.htm>) and the Municipal Hazardous Waste Facility Review Committee established pursuant to RSA 147-C (“Hazardous Waste Facility Review”, <http://gencourt.state.nh.us/rsa/html/indexes/147-C.html>). Pursuant to RSA 147-D:2 (“Hazardous Waste Fee/Hazardous Waste Fees”, <http://gencourt.state.nh.us/rsa/html/X/147-D/147-D-2.htm>), the governing body of a host community may also levy a fee on a TSD facility and require it to report the amount of hazardous wastes stored, treated, or disposed by the facility. Any facility that has a Standard Permit may apply for a Hazardous Waste Land Treatment Demonstration Permit and/or a Hazardous Waste Research, Development, and Demonstration Permit. The Land Treatment Demonstration Permit is issued to facilities that wish to demonstrate a new or innovative land application technique under controlled conditions. The Research and Development Permit is designed for those who wish to carry out experiments on new treatment methodologies for hazardous wastes (see Environmental Research Group, University of New Hampshire, <http://www.unh.edu/erg>). DES may require a Hazardous Waste Corrective Action Permit for permitted TSD facilities where releases of hazardous wastes have occurred. It also may require that the relative risk to public health or the environment be evaluated and that remediation takes place to return the contaminated area to acceptable environmental conditions.

Average number of permits issued annually: One permit issued every three to five years.

Fees: Initial fee varies from \$1,500 to \$5,000, depending upon the type of facility permit. Additional charges may be incurred for DES review, evaluation, and processing time. Permit renewal or modification fees vary from \$750 to \$2,500.

Estimated processing time after application is deemed “complete”: 1-2 years, depending upon the scope and complexity of the application and the length of time needed by the Hazardous Waste Facility Siting Board and the Municipal Hazardous Waste Facility Review Committee to reach a final decision.

Permit duration: 5 years

Permit transferability: The new owner must notify abutters and submit a request for a permit modification to DES at least 90 days prior to the scheduled ownership change.

Permit modification: Permit modifications may be requested through a written submittal to DES, accompanied by supporting technical information.

Permit renewal: To obtain a renewal, a new application must be submitted to DES at least 270 days prior to the expiration date of the existing Standard Permit.

State statutes: RSA 147-A:4 (“Hazardous Waste Management/Operator Permits”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4.htm>), RSA 147-C (“Hazardous Waste Facility Review”, <http://gencourt.state.nh.us/rsa/html/indexes/147-C.html>), and RSA 147-D (“Hazardous Waste Fee”, <http://gencourt.state.nh.us/rsa/html/indexes/147-D.html>)

N. H. Code of Administrative Rules: Env-Wm 353.01 (“Hazardous Waste Rules/Permitting Hazardous Waste Activities/Standard Permits”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 (“Department of Environmental Services/Waste Management Council”, <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information: N. H. DES, Hazardous Waste Compliance Section, (603) 271-2942
N. H. DES, Air Resources Division (for incinerator permits), (603) 271-1370
N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876
N. H. DHHS, Occupational Health & Safety Program, (603) 271-4676
U. S. EPA, RCRA, Superfund, EPCRA Call Center, (800) 424-9346, or
<http://www.epa.gov/epaoswer/hotline/>

Hazardous Waste Standard Permit – Work Sheet

Key Qualifier Questions: (1) *If you are a full quantity generator of hazardous waste, do you intend to store your own waste onsite for more than 90 days, dispose of it onsite, or treat it onsite using a method other than an Elementary Neutralization Unit, Wastewater Treatment Unit, or Evaporator?* (2) *If you are a small quantity generator of hazardous waste, do you intend to dispose of your own waste onsite, or treat it onsite using a method other than an Elementary Neutralization Unit, Wastewater Treatment Unit, or Evaporator?* (3) *Do you intend to receive hazardous wastes from off-site sources for treatment, storage for more than ten days, or for disposal?*

What must you do to apply?

- Complete and submit a DES *Hazardous Waste Activity Notification Form* available from the DES Reporting and Information Management System Section, DES Public Information Center, or access online <http://www.des.state.nh.us/rims/notification.pdf>, <http://www.des.state.nh.us/rims/notification.htm>, and http://www.des.state.nh.us/rims/sample_notification.pdf.
- It is strongly suggested that the applicant meet with DES before submitting an application to review permit application requirements, including the siting requirements of NH CODE ADMIN. RULE 353.09.
- Verify and document that the proposed facility location satisfies the siting requirements in Env-Wm 353.09 (see <http://www.des.state.nh.us/hwrh/hwrules.pdf>).
- Prepare the Part A application information required by 40 CFR Part 270.13, and the Part B application information in 40 CFR Part 270.14(b)-(d).
(See http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr270_main_00.html)
- Provide the name(s) of contact person(s) for the site.
- For new land disposal facilities, provide the floodplain information required by 40 CFR Part 270.14(b)(11), including an identification of whether the facility is to be located within a 500-year floodplain.
- Obtain facility design plans and specifications, prepared and stamped by a registered professional engineer licensed to practice in the state of New Hampshire (see <http://www.state.nh.us/jtboard/pe.htm>), including the information required by Env-Wm 353.11(a)(4).
- Prepare a construction schedule for any new construction or planned modifications to the existing structures.
- If the applicant is leasing the property on which the facility is located, submit a certified statement from the owner of the property verifying that such a lease exists and specifying the duration of that lease.
- Provide information sufficient to allow the New Hampshire Department of Justice to complete a background investigation of the applicant (including a criminal records check).
- Compile a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant, submitted in accordance with RSA 147-A:4, II-c, II-d, and IV-a (“Hazardous Waste Management/Operator Permits”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4.htm>).
- Prepare a hydrogeological analysis for the site, including the information required by Env-Wm 353.11(a)(8).
- If applicable, prepare the information specified in 40 CFR Part 270.10(j), 40 CFR Part 270.15 through 40 CFR Part 270.16 (inclusive), and 40 CFR Part 270.23 (see 40 CFR Part 270 Web link provided above).
- Prepare a cover letter signed by the applicant certifying that the application meets all necessary application requirements sufficient to render it technically adequate to undergo an engineering review.
- Submit four (4) copies of all permit application information, all supporting materials, and a check or money order for the appropriate fee as specified by Env-Wm 353.07, made payable to “Treasurer, State of New Hampshire”, to: Hazardous Waste Compliance Section, Waste Management Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH

03302-0095. Telephone: (603) 271-2942; fax: (603) 271-0869; or online: <http://www.des.state.nh.us/hwcs/>

- If a waiver to any provision of Env-Wm 353.09(f) is desired, submit an application for a waiver at the time of application for the Standard Permit (see http://www.des.state.nh.us/hwcs/Request_Waiver.pdf).
- If DES determines that the information submitted is insufficient to form the basis of a decision concerning whether or not human health, safety, and the environment will be adequately protected by the proposed facility, the applicant will then need to:
 - Prepare and submit a health assessment that evaluates the hazardous nature of the wastes that will be handled at the facility and their potential impact on the public health resulting from the operation of the facility, including the information required by Env-Wm 353.12(a) (see <http://www.dhhs.state.nh.us/DHHS/HLTHRISKASSESS/default.htm>);
 - Prepare and submit an ecological analysis that details the potentially adverse effects to the local biotic habitat that could result from the accidental discharge of hazardous wastes from the facility, which describes the environment in the immediate surrounding area of the facility, includes a biologist's report (see <http://www.state.nh.us/jtboard/ns.htm>) that lists the wildlife species known to live in or migrate through the environmental area (see <http://wildlife.state.nh.us>), and evaluates the potential adverse biological effects of such a discharge upon said species;
 - Prepare and submit an air quality impact analysis for the proposed facility, including the information required by Env-Wm 353.12(c) (see <http://www.des.state.nh.us/ard/procedures.pdf> and <http://www.des.state.nh.us/ard/enva1400.htm>); and
 - Prepare and submit a transportation impact and safety analysis that assesses the potential public health and environmental risks associated with transporting hazardous waste to the facility, which must focus upon those primary and alternate routes most likely to be used by transporters traveling to the facility from their point of exit off the nearest divided, limited-access highway, and frontage roadways providing immediate, direct access to the facility and include the requirements specified in Env-Wm 353.12(e) (see <http://webster.state.nh.us/dot/>).

What types of projects require this permit?

- ❖ A full quantity generator of hazardous waste that will store certain of its wastes on site for longer than 90 days
- ❖ A small or full quantity generator that will stabilize its wastes by adding cement kiln dust, or treat using any technique other than elementary neutralization, wastewater treatment, or evaporation
- ❖ A facility that will receive hazardous waste generated off-site for storage until a nearby disposal facility is permitted, constructed, and in operation
- ❖ A small or full quantity generator that will dispose of its hazardous waste in an on-site surface impoundment

If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at tdrew@des.state.nh.us or at (603) 271-3306.

Hazardous Waste Emergency Permit

Introduction: A DES Hazardous Waste Emergency Permit provides timely authorization to treat hazardous wastes in response to specific, unexpected incidents. Most Emergency Permits are issued to hazardous waste generators to allow treatment of a hazardous waste that is too dangerous to transport in its current condition. An Emergency Permit is not required for treatment or containment activities during an immediate response to a discharge of hazardous waste to the environment, or for a material that (when discharged) becomes a hazardous waste. However, this permit is required if treatment or containment is continued or initiated after the immediate response has been completed. When DES determines that an imminent and substantial hazard exists to human health or the environment (see RSA 147-A:13, "Hazardous Waste Management/Imminent Hazard", <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-13.htm>), an Emergency Permit may be issued for a non-permitted facility to treat, store, or dispose of hazardous wastes; or for a permitted facility to treat, store, or dispose of hazardous wastes not covered by a permit currently in effect. The DES Hazardous Waste Emergency Permit may be issued in either oral or written form. If oral, it must be followed-up within five days by a written Emergency Permit. A public notice that includes an identification of the hazardous wastes involved, the name and address of the site, a description of the activity to be covered by the permit, and the duration of the permit accompanies each DES Hazardous Waste Emergency Permit issued. Any release of hazardous material or hazardous waste (non-petroleum) to the environment must be reported immediately to the local fire department, then to the DES Special Investigations Section ("SIS") at (603) 271-3899 if the spill occurs during business hours. Releases of petroleum products or wastes must be reported immediately to the local fire department, then to the DES Petroleum Spill Response Section at (603) 271-3644 if the spill occurs during business hours. Releases which occur after normal business hours or on weekends or holidays must be reported to the New Hampshire State Police HAZMAT Response Team at (800) 346-4009 or (603) 271-3636. More information on these and other emergency response contacts for toxic air releases, wastewater treatment plant emergencies, dam failures, or drinking water supply problems can be found at http://www.des.state.nh.us/emergency_response.htm. In virtually all cases, there is a legal "duty to report" such releases to DES (see <http://www.des.state.nh.us/factsheets/oil/oil-5.htm>).

Average number of permits issued annually: 6-7

Fees: None

Estimated processing time after application is deemed "complete": Immediate (if oral), followed within five days by a written Emergency Permit. DES treats such requests as the highest priority and expedites its response to site officials.

Permit duration: Up to 90 days from the date of issuance

Permit transferability: Not transferable

Permit modification: Any necessary changes to the original permit must be communicated immediately to DES.

Permit renewal: Renewable when justified by site or extended response conditions

State statute: RSA 147-A:13 ("Hazardous Waste Management/Imminent Hazard", <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-13.htm>)

N. H. Code of Administrative Rules: Env-Wm 353.05(a) ("Hazardous Waste Rules/Permitting Hazardous Waste Activities/Special Permits", <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 ("Department of Environmental Services/Waste Management Council", <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information:

N. H. DES, Hazardous Waste Compliance Section, (603) 271-2942
N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876
N. H. DES, Special Investigations Section, (603) 271-3899 (M-F, 8AM-4PM)
N. H. DES, Petroleum Spill Response, (603) 271-3644 (M-F, 8AM-4PM)
N. H. Department of Safety, State Police, (603) 271-3636 (anytime)
Local or regional police/fire/rescue/HAZMAT personnel, at 911 (**during the actual emergency, only**)

Hazardous Waste Emergency Permit – Work Sheet

Key Qualifier Question: *Not including the immediate response to a release of hazardous waste, does an emergency situation exist such that hazardous wastes must be treated on-site or otherwise managed to avoid unnecessary risk to human health and/or the environment?*

What must you do to apply?

- Contact the DES Hazardous Waste Compliance Section at (603) 271-2942 and describe the nature of the emergency, the types of waste involved, the proposed treatment method, and the proposed date and duration of the treatment event.
- If appropriate, the *Hazardous Waste Emergency Permit Application* will be faxed or mailed to you.
- Provide information about the facility location, owner, and operator.
- Provide a description of the situation (e.g., laboratory clean out, site remediation, etc.), the potential hazards posed by the untreated materials, and a description of the planned treatment activity.
- Submit a description of the site, including size and abutting properties, with a map showing hazardous waste storage areas, treatment/process areas, on-site buildings, nearby surface waters, and any other information pertinent to the proposed action.
- Identify all hazardous wastes to be treated, how they were generated, exact quantities, analytical results, and copies of their Material Safety Data Sheets (“MSDSs”).
- Describe the treatment process and operating conditions, including the processing rate, a process flow diagram, and equipment specifications, as appropriate.
- Provide the name(s), address(es), telephone number(s), contact person(s), and qualifications of the individual(s) or contractor performing the treatment.
- Describe on-site controls to minimize surface water runoff and air emissions, if necessary, and describe any on-site air or water monitoring, if planned.
- If treatment requires federal, state, or local approvals for wastewater discharges or air emissions, attach copies (see <http://cfpub1.epa.gov/npdes/>, <http://www.des.state.nh.us/ard/permit.htm>, and <http://www.des.state.nh.us/www/dprapp.pdf>).
- Describe the post-treatment sampling procedures, frequency, and analyses to confirm and demonstrate that the treatment was effective.
- Describe the on-site storage conditions and procedures for storage of the waste following treatment.
- Provide a copy of the Site Safety Plan or proposed Work Plan for the treatment event.
- Provide the name and telephone number of the primary site contact for emergencies.
- Describe the security procedures for the site.
- Contact the local fire and police departments and obtain any required approvals of the proposed treatment method, location, date, and time.
- Identify the hazardous waste or solid waste facility where the treated waste will be disposed, including permit number, principal contact, and telephone number.
- Prepare and forward the application and all supporting documents to: Hazardous Waste Compliance Section, Waste Management Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2942; fax: (603) 271-0869.
- If a hazardous waste/material spill has occurred, immediately report it to the local fire department, then to DES (if the spill occurs during business hours) or to the New Hampshire State police (after business hours and on weekends and holidays (see http://www.des.state.nh.us/emergency_response.htm). Those who discover such releases have a duty to report the release to DES (see <http://www.des.state.nh.us/factsheets/oil/oil-5.htm>).

What types of projects require this permit?

- ❖ Moving swollen drums in danger of exploding if not treated on site prior to transport
- ❖ Treating containers of peroxide-forming or temperature-sensitive chemicals at a manufacturing facility, or a school or research laboratory, so they can be safely transported for disposal
- ❖ Removal of coal tar that has a flash point of less than 140 degrees Fahrenheit and must be stabilized prior to transport from a remediation site before the final disposal facility will accept it

If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at tdrew@des.state.nh.us or at (603) 271-3306.

Hazardous Waste Transfer Facility Permit

Introduction: Hazardous waste transfer facilities in New Hampshire provide an important link between the hazardous waste generator and the permitted final disposal facility. Such facilities represent a critical means of ensuring efficient, safe, and cost-effective “cradle-to-grave” management for such wastes. Most Hazardous Waste Transfer Facility Permit applications are submitted to DES by properly registered hazardous waste transporters who want to collect and/or consolidate hazardous wastes from off-site generator locations and store the wastes for ten days or less prior to transferring them to an authorized hazardous waste treatment, storage, or disposal facility (“TSD facility”). Prior to applying for the Transfer Facility Permit, an applicant must also complete and submit a DES *Hazardous Waste Activity Notification Form* (see <http://www.des.state.nh.us/rims/notification.pdf>). A DES Hazardous Waste Transfer Facility Permit authorizes the establishment of central locations where hazardous wastes can be temporarily collected and provides the means for the facility owner/operator to store these materials prior to shipment to a TSD facility. This permit also allows hazardous waste transporters to consolidate and safely bulk compatible wastes and to re-load them onto a DES registered transporter vehicle for more secure and cost-effective transportation to an authorized facility for treatment, storage, and/or final disposal. This permit, however, does not provide any authority for the transporter or other owner/operator to treat hazardous wastes at the transfer facility. Treatment may occur only at a permitted TSD facility.

Average number of permits issued annually: One every three to five years

Fees: \$3,000, plus an additional \$1,250 to process a re-submittal, if the initial application is deemed “incomplete”. The permit renewal or modification fee is \$2,000.

Estimated processing time after application is deemed “complete”: 12-18 months

Permit duration: 5 years

Permit transferability: The new owner must notify abutters and submit a request for a permit modification at least 90 days prior to the change of ownership.

Permit modification: Permit modifications may be requested through a written submittal to DES, accompanied by supporting technical information.

Permit renewal: To obtain a renewal, a new application must be submitted at least 270 days before the existing permit expires.

State statute: RSA 147-A:4 (“Hazardous Waste Management/Operator Permits”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4.htm>)

N. H. Code of Administrative Rules: Env-Wm 353.1 (“New Hampshire Hazardous Waste Rules/ Permitting Hazardous Waste Activities/Standard Permits”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 (“Department of Environmental Services/Waste Management Council”, <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information: N. H. DES, Hazardous Waste Compliance Section, (603) 271-2942
N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876
N. H. DHHS, Occupational Health & Safety Program, (603) 271-4676
U. S. Department of Transportation (DOT), (603) 225-1626
U. S. EPA, RCRA, Superfund, EPCRA Call Center, (800) 424-9346, or
<http://www.epa.gov/epaoswer/hotline/>

Hazardous Waste Transfer Facility Permit – Work Sheet

Key Qualifier Question: Will your facility receive, consolidate and/or temporarily store (for ten days or less) hazardous waste that was generated at off-site locations to facilitate transferring the wastes to an authorized off-site treatment, storage, or disposal facility?

What must you do to apply?

- Complete and submit a DES *Hazardous Waste Activity Notification Form* available from the DES Reporting and Information Management Section, DES Public Information Center, or online at <http://www.des.state.nh.us/rims/notification.pdf>, <http://www.des.state.nh.us/rims/notification.htm>, and http://www.des.state.nh.us/rims/sample_notification.pdf.
- It is strongly suggested that the applicant meet with DES before submitting an application to review permit application requirements, including the siting requirements of NH CODE ADMIN. RULE Env-Wm 353.09.
- Verify and document that the proposed facility location satisfies the applicable siting requirements in Env-Wm 353.09 (<http://www.des.state.nh.us/hwrb/hwrules.pdf>).
- Prepare Part A application information required by 40CFR270.13 and Part B application information in 40CFR270.14(b)-(d) at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr270_main_00.html
- Provide the name(s) of contact person(s) for the site.
- Obtain facility design plans and specifications prepared, stamped and approved by a professional engineer licensed to practice in the state of New Hampshire (see <http://www.state.nh.us/jtboard/pe.htm>), including the information required by Env-Wm 353.11(a)(4).
- Prepare a construction schedule for new construction or planned modifications to existing structures.
- If the applicant is leasing the property on which the facility is located, obtain a certified statement from the owner of the property verifying that such a lease exists and specifying the duration of that lease.
- Provide information sufficient to allow the New Hampshire Department of Justice to complete a background investigation of the applicant (including a criminal records check).
- Compile a performance history of the applicant and its officers/directors relative to the operation, financial security, and ownership of all facilities owned/operated by applicant, pursuant to RSA 147-A:4, II-c, II-d, and IV-a (“Hazardous Waste Management/Operator Permits”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4.htm>).
- Prepare a hydrogeological analysis including the information required by Env-Wm 353.11(a)(8). [Note: Installation of groundwater monitoring wells is not required under the conditions in Env-Wm 351.03(f)].
- If applicable, prepare the information specified in 40 CFR 270.10(j), 40 CFR 270.15 through 40 CFR 270.16 (inclusive), and 40 CFR 270.23 (use Web link provided above)
- Prepare a cover letter signed by the applicant certifying that the application meets all necessary application requirements sufficient to render it technically adequate to undergo an engineering review.
- Submit four (4) copies of the application, all supporting materials, and a check or money order made payable to “Treasurer, State of New Hampshire” for the appropriate fee as specified by Env-Wm 353.07 to: Hazardous Waste Compliance Section, Waste Management Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2942; fax: (603) 271-2456; or online: <http://www.des.state.nh.us/hwcs/>
- If a waiver to any provision of Env-Wm 353.09(f) is desired, submit an application for a waiver at the time of application for the Standard Permit (see http://www.des.state.nh.us/hwcs/Request_Waiver.pdf).

What types of projects require this permit?

- ❖ A facility that will receive liquid hazardous wastes generated off-site, bulk compatible wastes for storage for up to ten days, and pump them into tank trucks for transport to a treatment or disposal facility.
- ❖ A facility that will receive drums of hazardous wastes and stores them (unopened) for up to ten days until a truckload has accumulated.

- ❖ A manufacturing plant that receives hazardous waste from another generator prior to pick-up by a transporter, unless: a) the other facility is a small quantity generator and is owned by the manufacturing plant, and b) the manufacturing plant counts the waste received towards its generator status.

If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at tdrew@des.state.nh.us or at (603) 271-3306.

Hazardous Waste Limited Permit

Introduction: Businesses or individuals that generate hazardous wastewaters must first obtain a DES Hazardous Waste Limited Permit if they wish to treat those wastes onsite. "Treatment" of hazardous waste is defined under RSA 147-A:2, XVII ("Hazardous Waste Management/Definitions", <http://gencourt.state.nh.us/rsa/html/indexes/147-A.html>) as *any process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the waste or to render the waste not hazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume.* Treatment may involve neutralization or other processes that will render the waste non-hazardous, safer for transport, amenable to recovery, easier to store, or reduced in volume. The DES Hazardous Waste Limited Permit authorizes the treatment of hazardous wastewaters by one (or more) of the following methods: (1) use of elementary neutralization units to reduce the corrosivity (*i.e.*, acidic or caustic characteristic) of a waste, (2) use of wastewater treatment units to remove hazardous waste constituents (*e.g.*, heavy metals, organic solvents, *etc.*) from process wastewater, and (3) use of wastewater evaporation units to reduce or consolidate hazardous waste constituents by an evaporation/heat process. On-site treatment may be performed to achieve heightened waste minimization goals, reduced costs, recovery and reuse of valuable raw materials (see <http://www.des.state.nh.us/factsheets/hw/hw-8.htm>), or to implement pollution prevention measures (see http://www.des.state.nh.us/p2_all.htm). On-site treatment of hazardous wastewaters also may reduce the need for off-site transport, treatment, storage, and/or disposal of the wastewaters. Other environmental permits also may be required to properly manage these wastes, including a U. S. EPA National Pollutant Discharge Elimination System ("NPDES") Permit for a piped discharge of treated wastewater to a receiving surface water body (see <http://cfpub1.epa.gov/npdes/>), a DES Temporary Air Emission Permit and Air Emission Permit-to-Operate for control of contaminated air emissions to the atmosphere from an onsite evaporation unit (see <http://www.des.state.nh.us/ard/permit.htm>), and/or a DES Industrial Wastewater Discharge Permit for the discharge of wastewater to a public sewer system (see <http://www.des.state.nh.us/www/dprapp.pdf>). For more information on these associated permitting processes, refer to the "Air Quality" and "Wastewater" chapters of this *Guidebook*.

Average number of permits issued annually: 10-12

Fees: The initial fee is \$500. The permit renewal or modification fee is \$250.

Estimated processing time after application is deemed "complete": 30-60 days

Permit duration: 5 years

Permit transferability: The new owner must submit to DES a written request for permit transfer no later than 15 days prior to the change of ownership.

Permit modification: A revised DES Hazardous Waste Limited Permit application (see http://www.des.state.nh.us/hwcs/Limited_App.pdf) must be submitted that indicates the proposed changes, and must be received by DES for review at least 60 days before any changes are scheduled to begin.

Permit renewal: A request for renewal must be submitted to DES at least 90 days prior to the expiration date of the current permit.

State statute: RSA 147-A:4 ("Hazardous Waste Management/Operator Permits", <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-4.htm>)

N. H. Code of Administrative Rules: Env-Wm 353.04 ("Hazardous Waste Rules/Permitting Hazardous Waste Activities/Limited Permits", <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 ("Department of Environmental Services/Waste Management Council", <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information:

N. H. DES, Hazardous Waste Compliance Section, (603) 271-2942

N. H. DES, Wastewater Engineering Bureau, (603) 271-2457

N. H. DES, Air Resources Division, (603) 271-1370

N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876

Local municipal wastewater treatment facility for Discharge Permit Request

Hazardous Waste Limited Permit – Work Sheet

Key Qualifier Questions: *If you are a full quantity generator of hazardous waste, do you intend to treat your own hazardous wastewaters on site in an Elementary Neutralization Unit, a Wastewater Treatment Unit, and/or an Evaporator Unit? Or, do you intend to use those devices to treat your own non-hazardous wastewaters which, when treated, generate hazardous sludge?*

What must you do to apply?

- Complete and submit a *Hazardous Waste Activity Notification Form*, available from the DES Reporting and Information Management Section, DES Public Information Center, or online at <http://www.des.state.nh.us/rims/notification.pdf>, <http://www.des.state.nh.us/rims/notification.htm>, and http://www.des.state.nh.us/rims/sample_notification.pdf.
- Verify that your facility is not a small quantity generator of hazardous waste. Small quantity generators are not required to obtain DES Hazardous Waste Limited Permits.
- Apply for, obtain, and submit any necessary permits for air emissions or wastewater discharges, if applicable, at <http://cfpub1.epa.gov/npdes/>, <http://www.des.state.nh.us/ard/permit.htm>, and <http://www.des.state.nh.us/www/dprapp.pdf>.
- Obtain a DES *Hazardous Waste Limited Permit Application Form* from the DES Hazardous Waste Compliance Section, DES Public Information Center, or online at http://www.des.state.nh.us/hwcs/Limited_App.pdf.
- Prepare a description, including process design drawings or a flow diagram, of the process that generates the wastewater to be treated.
- Prepare a description of the neutralization, treatment or evaporation unit or process, including design capacity, equipment used, and the physical/chemical treatment technique.
- Obtain engineering design plans, process flow drawings, or manufacturer's technical specifications for the unit.
- Prepare a table listing the name (or description) of the waste to be treated, its waste code, and the amount to be treated per day, week, and month, in pounds or gallons.
- Prepare a list of the hazardous constituents (organic chemicals, inorganic chemicals, metals) in the wastewater to be treated.
- Provide a copy of the facility's Industrial Discharge Permit, if any.
- For evaporation units, provide either the facility's Air Emission Permit-to-Operate or documentation that no air permits are necessary.
- Provide a copy of a typical analysis for a representative sample of the wastewater to be treated.
- List the pH (acidity/alkalinity) of the water solutions before and after treatment.
- If the unit generates sludge, indicate whether or not the sludge is a hazardous waste and provide the applicable waste code, amount generated, and proposed disposal location.
- If the unit recycles any wastewaters, describe the percentage and recycling process.
- Specify the facility's total wastewater discharge or evaporation volume.
- Provide the date the unit started or will start treating/ neutralizing/ evaporating the wastewater.
- Submit a check or money order for \$500 made payable to "Treasurer, State of New Hampshire" with the application and all supporting documents as noted above to: Hazardous Waste Compliance Section, Waste Management Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2942; fax: (603) 271-0869; or online: <http://www.des.state.nh.us/hwcs/>

What types of projects require this permit?

- ❖ A manufacturing facility that generates corrosive wastewaters, which, if neutralized, can be discharged to the local sewer system

- ❖ A facility that generates a large volume of chrome-laden wastewater, evaporates it, and disposes of the small volume of resulting sludge as hazardous waste.
- ❖ An electronics manufacturer that removes lead from wastewater using a lead-specific ion exchange resin

If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at tdrew@des.state.nh.us or at (603) 271-3306.

Hazardous Waste Transporter Registration/Confirmation Letter

Introduction: Hazardous waste transporters represent the link between the numerous sites throughout New Hampshire where hazardous waste is generated and the ultimate destination for these wastes at authorized treatment, storage, and disposal facilities (“TSD Facilities”). DES regulates more than 5,400 hazardous waste generators that are served by more than 150 hazardous waste transporters registered with the State of New Hampshire (see http://www.des.state.nh.us:1522/des/onestop.mts_transporters_rpt.show_parms). All transporters of hazardous waste that operate within or pass through New Hampshire, including transporters of hazardous wastes destined for recycling, must be registered in this state. Before hazardous waste transport activities begin, a transporter application packet must be obtained, completed, and returned to DES. If the hazardous waste transporter company is based in New Hampshire, prior to applying for the Transporter Registration, the applicant must complete and submit a DES *Hazardous Waste Activity Notification Form* (see <http://www.des.state.nh.us/rims/notification.pdf>). A background investigation will be conducted by the New Hampshire Department of Justice as part of the registration process to ensure that the applicant has sufficient reliability, expertise, integrity, and competence to transport hazardous wastes within and/or through New Hampshire. Once the background check has been completed and the application is approved, DES will issue a *Registration Confirmation Letter* to the applicant, who must carry a copy of this letter in each vehicle used to transport hazardous waste. The transporter must maintain compliance with NH CODE ADMIN. RULE Env-Wm 600 (“Hazardous Waste Rules/Requirements for Hazardous Waste Transporters”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>) concerning such issues as vehicle identification, personnel training, contingency planning, emergency preparedness, financial responsibility, manifest management, record keeping, and reporting (see <http://www.des.state.nh.us/rims/>). Please note the distinction between the transportation of “hazardous wastes” (i.e., contaminated solids, liquids, and gases), which is regulated by DES, and the transportation of “hazardous materials” (i.e., virgin chemical products or reagents intended for use in product manufacturing), which is regulated by the New Hampshire Department of Safety [see <http://webster.state.nh.us/safety/> or call (603) 271-0333].

Average number of registrations issued annually: Approximately 150

Fees: None

Estimated processing time after application is deemed “complete”: Approximately 3-4 weeks

Registration duration: One year

Registration transferability: Non-transferable

Registration modification: Requests to modify a registration must be submitted in writing to the DES Special Investigations Section within 15 days of the change in accordance with Env-Wm 609.03. Modifications can involve the transporter name, address, EPA identification number, ownership of the company, etc.

Registration renewal: Annually. A request for renewal must be received on or before May 15 of each year. DES renewal information is mailed to all registered hazardous waste transporters prior to that date.

State statute: RSA 147-A:6 (“Hazardous Waste Management/Transporter Registration”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-6.htm>)

N. H. Code of Administrative Rules: Env-Wm 600 (“Hazardous Waste Rules/Requirements for Hazardous Waste Transporters”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>)

Appeals body: Waste Management Council at RSA 21-O:9 (“Department of Environmental Services/Waste Management Council”, <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-9.htm>; see also <http://www.des.state.nh.us/rules/env-wmc200.pdf> and <http://www.des.state.nh.us/councils/#waste>)

Additional information:

N. H. DES, Special Investigations Section, (603) 271-3899

N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876

N. H. Department of Safety, (603) 271-0333

U. S. EPA, RCRA, Superfund, EPCRA Call Center, (800) 424-9346, or

<http://www.epa.gov/epaoswer/hotline/>

Hazardous Waste Transporter Registration/Confirmation Letter – Work Sheet

Key Qualifier Question: Do you intend to transport hazardous wastes¹ (e.g. contaminated solvents, metal plating sludges, used oil², etc.) over the road, air, or water, originating from within or passing through New Hampshire?

What must you do to apply?

- Contact the DES Special Investigations Section at (603) 271-3899 to obtain a registration packet. This packet includes:
 - New Hampshire Hazardous Waste Transporter Registration Application^{3,4}
 - DES Fact Sheet No. WMD-HW-20 entitled *Hazardous Waste Transporter Frequently Asked Questions* (see <http://www.des.state.nh.us/factsheets/hw/hw-20.htm>).
 - RSA 147-A:6 (“Hazardous Waste Management/Transporter Registration”, <http://gencourt.state.nh.us/rsa/html/X/147-A/147-A-6.htm>)
 - NH CODE ADMIN. RULES Env-Wm 600 and 807 (“New Hampshire Hazardous Waste Rules”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>)
- The *New Hampshire Hazardous Waste Transporter Registration Application* requires the following:
 - Transporter’s name, mailing address, and telephone number
 - Name and title of the transporter’s contact person
 - Transporter’s U. S. EPA identification number
 - Transporter’s U. S. DOT Motor Carrier Census or Interstate Commerce Commission number
 - Transporter’s U. S. Research and Special Programs Administration (“RSPA”) registration number (if applicable). (This is the U. S. Department of Transportation’s hazardous materials registration program. To determine whether the “RSPA Number” applies to you, contact the U. S. DOT at (202) 366-4109. If you would like to request a registration application, please call (617) 494-2545 or E-mail the U. S. DOT at REGISTER@rspa.dot.gov.)
 - Verification/attestation statement (i.e., financial responsibility requirements)

What types of circumstances require this registration?

- ❖ A trucking company that wishes to begin transporting hazardous wastes from, within, or through the state of New Hampshire
- ❖ A company that is transporting used oil², which is regulated as a hazardous waste in New Hampshire. (See Env-Wm 807 and the DES Used Oil Program at http://www.des.state.nh.us/hwcs/used_oil.htm for further regulatory requirements pertaining to used oil.)
- ❖ A company that imports or exports hazardous wastes to or from the U. S. and, in so doing, transports the wastes in or through New Hampshire (Note that additional management and record keeping requirements apply to transporters that engage in import/export practices.)

Note 1: New Hampshire regulates its more than 4,700 small quantity (i.e., less than 100 kg/220 pounds per month) hazardous waste generators more stringently than does the U. S. Environmental Protection Agency. Therefore, New Hampshire small quantity generators are required to prepare a hazardous waste manifest prior to offering their wastes to a registered transporter (The New Hampshire *Uniform Hazardous Waste Manifest* form can be found at <http://www.des.state.nh.us/rims/manifest.pdf>, and the instructions for completing it can be found at <http://www.des.state.nh.us/rims/manifest.htm>).

Note 2: Used oil is governed by its own set of administrative rules, Env-Wm 807 (“Hazardous Waste Rules/Requirements for Management of Used Oil being Recycled”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>). For its transport, you must determine if it is classed as “specification” used oil or “off-spec” used oil, whether the total volume will be less than 110 gallons, and whether it will be recycled or simply disposed. For specifics, please see, http://www.des.state.nh.us/hwcs/used_oil.htm.

Note 3: If your company is incorporated in a state other than New Hampshire, you must obtain a *Certificate of Authority* from the New Hampshire Secretary of State (see <http://webster.state.nh.us/sos/corporate/PDF/form40v2.pdf>). To view the legal requirements for the *Certificate of Authority*, please see RSA 293-A:15.03 (“New Hampshire Business Corporation Act/Application for Certificate of Authority”, <http://gencourt.state.nh.us/rsa/html/XXVII/293-A/293-A-15.03.htm>).

Note 4: In accordance with NH CODE ADMIN. RULE Env-Wm 603.12 (“Hazardous Waste Rules/Financial Responsibility”, <http://www.des.state.nh.us/hwrb/hwrules.pdf>), all hazardous waste transporters must meet the requirements of 49 CFR Section 387.9 (see “Transportation/Minimum Levels of Financial Responsibility for Motor Carriers”, http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_49/49cfr387_main_00.html) and must obtain a *Certificate of Insurance* to operate in New Hampshire. The “New Hampshire Insurance Department Company Lists” (see http://webster.state.nh.us/insurance/Exams/company_lists.htm) and “Property and Casualty Licensed Companies” (see <http://webster.state.nh.us/insurance/Exams/P&C%20List.pdf>) can be found on the New Hampshire Insurance Department Web page, or call the Exams Division at (603) 271-2241.

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